

January 6, 2004

WASHINGTON STATE LABOR COUNCIL
ATTN: DIANE MCDANIEL
314 FIRST AVENUE WEST
SEATTLE WA 98119

Subject: Complaint against Master Builders Association of King and Snohomish
County - PDC Case No. 04-303

Dear Ms. McDaniel:

The Public Disclosure Commission staff has completed its investigation of your complaint received on October 28, 2003, alleging that the Master Builders Association of King and Snohomish County (MBAKSC) violated RCW 42.17 by making contributions in excess of the statutory limit.

Your complaint was reviewed in light of the following statutes and rule:

RCW 42.17.105 prohibits any person from making, or a candidate or political committee from accepting from any one person, contributions that in the aggregate exceed more than \$5,000 during the 21 days before a general election.

RCW 42.17.020(14) states that a contribution does not include a contribution that is returned within five days of receipt. In addition, it further states that messages in the form of reader boards, billboards, banners, or yard or window signs displayed on a person's own property are not considered contributions if no rent or other fees are charged for the use of the billboard.

WAC 390-16-309 states that two entities are treated as a single person and share one contribution limit if one of the entities is a membership organization and the other entity is a local unit of that membership organization.

You alleged that the MBAKSC, by making a \$5,000 contribution, along with another non-reported in-kind contribution from the Home Builders Association of Kitsap County (HBAKC), exceeded the \$5,000 limit for contributions received during the 21-day period prior to the 2003 general election (October 14, 2003 – November 3, 2003).

We found that:

- On October 21, 2003, the Workers Against Job Killing Rules (WAJKR) filed a Last Minute Contribution Report (LMC) disclosing that it had received a \$5,000 contribution from the MBAKSC that was made and received on October 21, 2003.
- On November 18, 2003, the Building Industry Association of Washington (BIAW) on behalf of the WAJKR submitted a response to this allegation listed in your complaint. The BIAW stated that the \$5,000 contribution from the MBAKSC was received by the WAJKR on October 21, 2003, and deposited and reported on a C-3 report on October 27, 2003. However, the \$5,000 contribution was promptly refunded on October 28, 2003.
- The HBAKC is the sole owner of an electronic billboard that is located on their property in Bremerton, Washington. During the 2003 election the HBAKC billboard contained a "Yes on 841" message. Arthur C. Castle, the Executive Vice President for the HBAKC stated in a declaration provided to the PDC that the billboard is used exclusively by the HBAKC and that it is used to post messages relevant to their members and issues, and that no rent is charged for its use.

Since no other source with whom the MBAKSC shared a limit made a contribution to the WAJKR during the 21-day period preceding a general election, the \$5,000 contribution was within the statutory limit. In addition, no rent was charged for the use of the billboard located on the property of the HBAKC, so the message in support of Initiative 841 is not a contribution in accordance with RCW 42.17.020(14).

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against the Master Builders Association of King and Snohomish County.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie
Executive Director

c: Master Builders Association of King and Snohomish County